

GOVERNMENT OF MAHARASHTRA

2012010905270616001

No. Misc/1/2012/CR-1/J-1

Revenue and Forest Department

Mantralaya, Mumbai 400 032.

Dated 4th January, 2012

C I R C U L A R

It has been observed by the Hon. High Court that in several cases there is delay on the part of the Collectors in deciding the representation made by the Petitioner as directed by the Hon. High Court within the time stipulated. It has also been observed in several contempt petitions that the concerned officers had not applied for extension of time. Copy of the order in Contempt Petition No. 328 of 2011 filed by Shri Sarjerao Devappa Hande and Others Vs. The Tahasildar, Hatkanangale passed by the Hon. High Court dated 21st December, 2011 is inclosed herewith. You are directed to go through the order carefully and ensure strict compliance.

2. All officers are hereby directed to ensure that the orders of Hon. High Court are complied in time and in case of difficulty, the officers concerned must apply to the Hon. High Court for extension of time. These orders shall be observed scrupulously

By order and in the name of the Governor of Maharashtra.


(Swadheen S. Kshatriya)
Principal Secretary to Government.

To:

All Divisional Commissioners

Settlement Commissioner, Pune.

All Collectors

Copy to All Joint/Deputy Secretaries, Revenue & Forest Department.

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.328 OF 2011

Shri Sarjerao Devappa Hande & Ors. -- Petitioners
V/s.
The Tahasildar, Hatkanangale. -- Respondents

Shri C.G. Gavnekar for the Petitioners
Shri Surel Shah for the Respondent Nos.1 to 3.

CORAM : A.S.OKA, J.

DATE : 21st December, 2011

P.C.

1. Heard learned counsel appearing for the Petitioners and learned A.G.P for the Contemnors. This is one of those several cases where there is a gross delay on the part of the Collector, who is the officer of the Revenue Department of the State Government to decide the representation made by the Petitioners as directed by this Court in Order passed in a Writ Petition within the time stipulated.
2. In the affidavit of the Tahasildar, it is stated that more than hundred persons were involved and therefore the process took time. It is a matter of common knowledge that there are several such orders passed by this Court in exercise of jurisdiction under Article 226 of the Constitution of India, directing the officers of the State Government to decide representations made by the aggrieved citizens. In a given case there may be genuine reasons for delay. In large number of Contempt Petitions, I

find that the officers of the State do not bother to apply this Court for extension of time fixed by this Court in the event they find that they are unable to pass order within the time specified by this Court. As a matter of policy, the officers of the State must apply for the extension of time and it is for the State to lay down appropriate guidelines in that behalf. Due to delay on the part of the officers of the State in complying with such orders of the Court, a large number of Contempt Petitions are being filed. Result of filing such Petitions is that large number of Government Officers are required to remain present in this Court. All this can be avoided if appropriate steps are taken promptly.

3. In the present Petition, the Principal Secretary to Ministry of Revenue of Maharashtra State is representing State Government. The Principal Secretary, shall look in to this aspect and consider of issuing necessary directions to officers of the Revenue Department at all levels upto the Commissioners of Revenue to ensure that the orders of this Court are complied with by deciding the representations in time and in case of difficulty, the officer concerned must apply to the High Court for extension of time. The concerned Secretary of the Ministry of Revenue to file an affidavit in this behalf.

4. S.O. till 12th January, 2012.